

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration

49 CFR Part 173

[Docket No. HM-166Q; Admt. No. 173-167]

Exceptions for Small Quantities of
Hazardous Materials; Correction**AGENCY:** Materials Transportation
Bureau (MTB), Research and Special
Programs Administration, DOT.**ACTION:** Final rule; correction.**SUMMARY:** This document corrects an error in the final rule concerning requirements for small quantities of Poison B materials published in the *Federal Register* on June 30, 1983 (48 FR 30132), under Docket No. HM-166Q (FR Document 83-17319), and subsequently in 49 CFR Parts 100 to 177, Revised as of November 1, 1983. The error appears in § 173.4(a)(1)(iii).**EFFECTIVE DATE:** May 4, 1984.**FOR FURTHER INFORMATION CONTACT:**
George E. Cushmac, Office of Hazardous
Materials Regulation, MaterialsTransportation Bureau, Department of
Transportation, Washington, D.C. 20590,
(202) 426-2311.**SUPPLEMENTARY INFORMATION:** The MTB is correcting the final rule for small quantities of Poison B materials appearing in § 173.4(a)(1)(iii) because the Poison B hazard class, as defined in § 173.343, does *not* require the determination of an LD₅₀ (or LC₅₀) or even an approximate lethal dose (ALD). The MTB emphasizes that the DOT toxicity tests are "limit tests" (i.e., pass/fail) adapted to meet DOT transportation safety requirements. Since "LD₅₀ tests" are *not* required, the final rule must be corrected to remove the reference to "LD₅₀ value" in association with § 173.343 which was inadvertently included in the final rule.

On further consideration MTB believes that a single limit of one gram (based on twenty times the breakpoint

of 50 milligrams per kilogram of body weight for oral toxicity specified in § 173.343) is appropriate for the exceptions for poisons provided by § 173.4. Any calculation to determine the maximum quantity of a Poison B material authorized per inner receptable is meaningless without a specific toxicity value and MTB believes that it is inappropriate to call for additional tests to be conducted in order to gain the benefits provided by the exception.

In consideration of the foregoing, *Federal Register* Document 83-17319, published on June 30, 1983, under Docket No. HM-166Q and HM-166F is corrected as follows:

§ 173.4 (Corrected)

On page 30137, first column,
§ 173.4(a)(1)(iii) is corrected to read
"One (1) gram for authorized materials
classed as Poison B; and".
(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 App.
A to Part 1)**Noted.**—The Materials Transportation Bureau has determined that this document does not constitute a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034) or require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, et. seq.). I certify that this document will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this document is minimal. A regulatory evaluation and environmental assessment are available for review in the docket.Issued in Washington, D.C. on April 30,
1984.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-12056 Filed 5-3-84; 8:45 am]

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